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7 Infinity Health Solutions, LLC

8 **UNITED STATES BANKRUPTCY COURT**
 9 **DISTRICT OF NEVADA**

10 In re:
 11 **INFINITY CAPITAL MANAGEMENT, INC.**
 12 Debtor.

13 **HASELECT-MEDICAL RECEIVABLES**
 14 **LITIGATION FINANCE FUND**
 14 **INTERNATIONAL SP,**

15 Plaintiff,

16 v.

17 **ANNE PANTELAS; OLIVER HEMMERS; and**
 17 **INFINITY HEALTH SOLUTIONS, LLC,**

18 Defendants.

Case No. BK-21-14486-ABL

Chapter 7

Adversary Case No. 22-01109-ABL

**MOTION TO WITHDRAW AS
 COUNSEL FOR DEFENDANTS
 ANNE PANTELAS, OLIVER
 HEMMERS AND INFINITY HEALTH
 SOLUTIONS, LLC**

Hearing Date: TBD

Hearing Time: TBD

REMOTE

Court Hearing Participation Number

(888) 684-8852

Code #8242009

Judge: Hon. August B. Landis

24 Ogonna M. Brown and Dibora L. Berhanu of the law firm Lewis Roca Rothgerber Christie
 25 LLP (the “Firm”) respectfully requests entry of an order permitting the Firm to withdraw as counsel
 26 for Anne Pantelas (“Ms. Pantelas”), Oliver Hemmers (“Mr. Hemmers”), and Infinity Health
 27 Solutions, LLC (“IHS”) (collectively “Defendants”) in the above-captioned bankruptcy adversary
 28 case and therefore brings this *Motion to Withdraw as Counsel for Defendants Anne Pantelas, Oliver*

1 *Hemmers and Infinity Health Solutions, LLC* (“Motion”). This Motion is made and based upon the
 2 Local Rules of Bankruptcy Practice of the United States District Court for the District of Nevada
 3 (“LR”) 9014(c); the Memorandum of Points and Authorities herein; the Declaration of Ogonna M.
 4 Brown filed concurrently herewith pursuant to LLR 9014(c) (“Brown Decl.”); the pleadings and
 5 papers of record on file in the Case¹, judicial notice of which is respectfully requested pursuant to
 6 FED. R. EVID. 201(b) and (c) and 1101(a) and (b); and any argument the Court may entertain at
 7 hearing on this Motion.

8 DATED this 11th day of September, 2023.

9 LEWIS ROCA ROTHGERBER CHRISTIE LLP

10 By: /s/ Ogonna Brown
 11 Ogonna M. Brown, Esq.
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21 *Attorneys for Anne Pantelas, Oliver Hemmers, and*
 22 *Infinity Health Solutions, LLC*

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. STATEMENT OF FACTS**

25 1. The Firm has been counsel of record for the Defendants since approximately
 26 January 21, 2022. *See, e.g.*, ECF No. 8; *see also* Brown Decl.

27 2. There are no pending motions or imminent hearings or deadlines pending in the
 28 Case that are applicable to the Defendants, as the Firm will attend the Scheduling Conference

29 ¹ All references to “ECF No.” are to the numbers assigned to the documents filed in Infinity Capital Management,
 30 Inc.’s bankruptcy case identified as Case No. BK-21-14486-ABL as they appear on the docket (“Docket”)
 31 maintained by the Clerk of the Court of the United States Bankruptcy Court for the District of Nevada. All references
 32 to “Adv. EFC No.” are to the number assigned to the documents filed adversary proceeding as Case No. 22-01109-
 33 ABL also pending before United States Bankruptcy Court for the District of Nevada as they appear on the Docket
 34 maintained by the Clerk of the Court.

1 hearing set for September 12, 2023. The deadlines set forth in the Order approving the Stipulation
2 extending the deadlines in this case (ECF No. 32) as follows:

Event Deadline	Proposed Date
Close of Fact Discovery	10/2/2023
Expert Disclosure Deadline	10/2/2023
Rebuttal Expert Deadline	11/2/2023
Expert Deposition Deadline	12/1/2023
Dispositive Motion Deadline	12/22/2023
Final List of Witnesses and Exhibits	1/15/2024
Expected Trial Ready Date	2/15/2024

3. There has been no formal trial date set via scheduling order or other order from this
4 Court in the above-captioned adversary complaint (ECF No. 32).

5. Accordingly, withdrawal by the Firm is not anticipated to result in any delay of
6 discovery, any trial or any hearing in the Case.

7. The Defendants have been given reasonable warning that the Firm will withdraw.
8 In addition, Defendants have expressly communicated that they can no longer afford to be
9 represented by the Firm. *See* Brown Decl.

10. Defendants are unable to afford the attorney' fees and costs due and owing to the
11 Firm such that continued representation of the Defendants will result in an unreasonable financial
12 burden on the Firm and, therefore, good cause for withdrawal exists.

13. The Defendants have been advised of the implications of withdrawal in this Case
14 and in the related adversary proceeding.

15. The last known contact information for the Defendants are as follows:

16. Anne Pantelas

17. Oliver Hemmers

18. Infinity Health Solutions LLC

19. Address: 1550 W. Horizon Ridge Parkway

20. Suite R#140

21. Henderson, NV 89012

Emails: oliver@infinityhealth.solutions
anne@infinityhealth.solutions

Tel.: (702) 525-8767

9. A copy of this Motion will be served at the last known address for the Defendants, with additional courtesy delivery through electronic correspondence.

II. ANALYSIS

A. Withdrawal of Counsel is Appropriate

LR 2014(a) begins with:

An attorney who appears in a bankruptcy case on behalf of a party is the attorney of record for the party for any and all purposes, except adversary proceedings, until an order is entered permitting the withdrawal of the attorney or [other circumstances inapplicable here are present]. . . .

LR 2014(c) incorporates by reference the Local Rule of Practice for the United States District Court for the District of Nevada (“USDC LR”) IA 11-6, subprovision (b) of which provides that an attorney seeking to withdraw after appearing in a case must file a motion and serve it on the affected client and opposing counsel. USDC LR IA 11-6(e) also provides in pertinent part:

Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case.

The Nevada Rules of Professional Conduct provide that withdrawal by counsel is permitted under a number of circumstances applicable here, including NEV. R. PROF. COND. 1.16(b)(6) (“representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client[]”), and NEV. R. PROF. COND 1.16(b)(7) (other good cause for withdrawal exists).

10. Here, withdrawal will not result in undue prejudice nor will it result in a delay of any hearing, trial, or discovery in the Case because there are currently no hearings or deadlines impactful to the interests of the Defendants, as no discovery is pending and no upcoming hearing is pending before this Motion will be heard, as the Firm will attend the Scheduling Conference hearing set for September 11, 2023. *See Order Granting Stipulation to Extend Deadlines and Trial (ECF No. 32); see also* Brown Decl. There has been no formal trial date set via scheduling order or other order from this Court in the above-captioned adversary complaint (ECF No. 32). Thus, the

1 Defendants have sufficient time to secure replacement counsel if desired. In addition, the
 2 Defendants have expressed they are unable to afford to pay the Firm and must therefore proceed
 3 without the Firm's representation. *See* Brown Decl. Furthermore, the Defendants have been
 4 afforded opportunities over a reasonably lengthy period of time to fulfill obligations. *See* Brown
 5 Decl. Therefore, withdrawal from representation of Defendants is warranted because irreconcilable
 6 differences are present such that continued representation will result in an unreasonable financial
 7 burden imposed upon the Firm. *See* Brown Decl. Therefore, good cause exists, and withdrawal is
 8 justified.

9 The Firm has fulfilled its obligation to Defendants, and the Defendants have been given
 10 reasonable notice that the Firm will withdraw as counsel of record in the Case. Therefore,
 11 withdrawal under the circumstances is justified and will not result in a delay to Case administration.

12 **III. CONCLUSION**

13 For the foregoing reasons the Firm, by and through counsel Ogonna M. Brown and Dibora
 14 L. Berhanu, request the Court grant this Motion and permit counsels' withdrawal from
 15 representation of the Defendants.

16 DATED this 11th day of September, 2023.

17 LEWIS ROCA ROTHGERBER CHRISTIE LLP

18 By: /s/ Ogonna Brown

19 Ogonna M. Brown, Esq.

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25 *Attorneys for Anne Pantelas, Oliver Hemmers, and*
 26 *Infinity Health Solutions, LLC*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Lewis Roca Rothgerber Christie LLP, and that on the 11th day of September, 2023, I caused to be served a true and correct copy of **MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS ANNE PANTELAS, OLIVER HEMMERS AND INFINITY HEALTH SOLUTIONS, LLC**, in the following manner:

(ELECTRONIC SERVICE) Under Administrative Order 02-1 (Rev. 8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

(UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

Anne Pantelas
Oliver Hemmers
Infinity Health Solutions LLC
1550 W. Horizon Ridge Parkway, Suite R#140
Henderson, NV 89012

(ELECTRONIC MAIL) By transmitting electronically to the following recipient and last known email address:

Anne Pantelas anne@infinityhealth.solutions
Oliver Hemmers oliver@infinityhealth.solutions
Infinity Health Solutions LLC

(OVERNIGHT COURIER) By depositing a true and correct copy of the above referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

/s/ Renee L. Creswell
An employee of
Lewis Roca Rothgerber Christie LLP